

**REMARKS**

Claims 1-6, 8-21, and 23-32 are pending in the application prior to entering this amendment. The examiner rejects claims 1, 4, 6, 8, 12-13, 18-19, 21, 23 and 27-28 under 35 U.S.C. § 102(b) as being anticipated by Rao (U.S. Patent No. 5,828,786). The examiner rejects claims 33-38 under 35 U.S.C. § 102(e) as being anticipated by Kuwano (U.S. Pat. No. 6,366,699). The examiner rejects claims 2-3, 5, 9-11, 14-17, 20, 24-26, and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over Rao.

The applicants amend claims 1, 9, 14, 18, 24, and 29 and cancel claims 7, 13, 22, and 28.

Claims 1-6, 8-12, 14-21, 23-27, and 29-32 remain in this application after entering this amendment.

The applicants add no new matter and request reconsideration.

**Claim Rejections Under §§ 102 and 103**

The applicants traverse the examiner's rejections under §§ 102 and 103 for the reasons that follow.

Claim 1 recites *a signal generator for generating a plurality of structured difference signals indicative of structural information*. Claim 18 includes a similar limitation. That is, the structured difference generator 404 computes a structured difference between pixels by accounting for structural information such as lines, feathering, quantized motion, and the like. "The structured difference is a more complicated method of generating field difference signals than a simple subtraction of pixel values. The structured difference generator is controlled by rules and user-defined thresholds that are used for deciding the types of image structure that are present." Application, page 9, lines 10-15. Rao fails to disclose that its video stream analyzer 300 does anything more than modify, "preferably in real time, an input digital video signal so that the resulting output digital signal can be optimally compressed, in one embodiment, using a prior art digital video decoder." Rao, column 11, lines 51-55. The video stream analyzer 300 detects whether the incoming video signal "is interlaced or progressive and appropriately organizes the data for subsequent vertical resampling, if any." Rao, column 13, lines 1-3. "Video data stream analyzer 300 repairs mixed-frames created by these transitions from a first video data type to a second video data type by dropping one of the two fields of the mixed-frame and replacing the dropped field with the other field." Rao, column 14, lines 8-17. Nothing in Rao suggests that it generates structured difference

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signals that indicate structural information as the terms are understood to a person of reasonable skill in the art.

Claim 1 recites *a plurality of pattern detection state machines... for detecting a pattern in said video sequence in accordance with a programmable threshold, wherein said pattern detecting state machine varies said programmable threshold in accordance with said signal*. Claim 18 includes a similar limitation. The examiner alleges that Rao discloses the previously recited preset threshold with its "logic." And the examiner alleges that "regardless of the terminology used, the terms [preset threshold and logic] describe the same function/processing." The applicants disagree, particularly as they amend the claims.

Although Rao arguably detects whether an incoming signal is progressive or interlaced and modifies the signal appropriately, it does not disclose a programmable or user-defined threshold. The applicants remind the examiner that it is not a function that is recited in the present claims, but rather a circuit element. If Rao does not disclose the programmable threshold recited, *regardless of its function or function similarity to Rao's logic*, then the examiner must either provide a reference that discloses it or remove the rejection.

Claim 9 recites *quantizing said difference against a series of programmable thresholds and determining how many of said quantized differences for each field exceeds a predetermined programmable threshold*. Claim 24 includes similar limitations. Although the examiner takes Official Notice of motion compensation, he nonetheless incorporates US 20020054236 and 20050099538 to Wredenhagen and U.S. patent no. 6,262,773 to Westerman. The applicants note that only Wredenhagen '236 appears to be a proper prior art reference filed prior to the present application's priority claim to 1/11/2001. But Wredenhagen '236 fails to disclose the quantizing occurs against a series of programmable thresholds or how many (no necessarily which ones) of the quantized differences exceeds a predetermined programmable threshold.

Claim 14 recites *wherein one of said signals is a static pattern signal for indicating a static pattern in a portion of said video sequence, said static pattern is a subtitle*. Claim 29 includes a similar limitation. The examiner acknowledges Rao does not teach the detection of subtitles but takes Official Notice of a system "which detects logos/text or subtitles in an image." The examiner then concludes "it would have been obvious...to modify Rao, which...also detects within the received signal repeated fields, scene cuts and mixed field frames in order to provide an ideally compressed signal, by also detected [sic] the additional information included in a signal, since the additional information is typically not part of the

original signal and thus would preferably be detected/removed." Office Action, pages 7 and 8.

The applicants again point the examiner to MPEP § 2144.03 that only permits an examiner to take Official Notice in those rare circumstances where the facts asserted to be well known are capable of "instant and unquestionable demonstration as being well-known." No such instant and unquestionable demonstration of the asserted facts exists here. MPEP § 2144.03 makes it inappropriate for an examiner to take Official Notice of "technical facts in the areas of esoteric technology or specific knowledge of the prior art." The applicants ask the examiner to provide documentary evidence of those facts for which he takes Official Notice, namely, of a system that detects logos/text or subtitles in an image as recited in the claims. The applicants note that none of the additional references (to Wredenhagen and Westerman) disclose the subtitles —the applicants also note that at least two of the additional references cited by the examiner (Wredenhagen and Westerman) do not appear to be proper prior art given the present application's priority claim to 1/11/2001.

Even if the examiner's Official Notice were proper in this particular case, it would not obviate the very specific way in which the system detects a subtitle as recited by claims 15-17 and 30-32.


### CONCLUSION

The applicants request reconsideration and allowance of all remaining claims. The applicants encourage the examiner to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

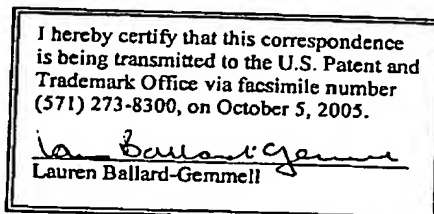
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Respectfully submitted,

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